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#14

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Elizabeth A. Jue**RECEIVED**
MAY 25 2004
GROUP 3600

Applicant : Thomas Dean Gulley
Application No. : 10/080,818
Filed : February 22, 2002
Title : THREE-PIECE BARREL HINGE

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MAY 21 2004

OFFICE OF PETITIONS

Grp./Div. : 3676
Examiner : Michael J. Kyle

Docket No. : 46893/DRK/S1050

PETITION TO REVIVE UNDER 37 CFR § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
May 12, 2004

Commissioner:

The subject application was abandoned (Abandonment attached as Exhibit "A") allegedly due to Applicant's failure to timely file a proper reply to the Office action mailed September 16, 2003.

The abandonment is in error and should be reversed for the following reasons:

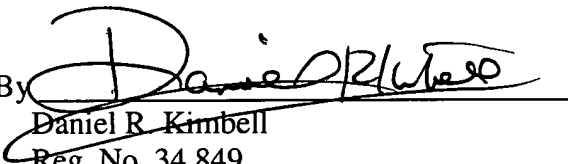
An amendment was timely filed by facsimile transmission on December 17, 2003 (Copy attached as Exhibit B). Accompanying this amendment was a Request for a One-Month Extension of Time with an authorization to charge the extension fees to our Deposit Account. (Copy attached as Exhibit C). Also attached is a copy of the transmission sheet indicating that 20 pages were successfully transmitted to the USPTO on December 17, 2004 at 3:49 p.m. (Copy attached as Exhibit D).

Application No. 10/080,818

The April 20, 2004 Notice of Abandonment is clearly an error on the part of the Patent Office, and withdrawal of the abandonment and prompt patent issuance is requested. As this is an error by the Office, no petition fee is due.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Daniel R. Kimbell
Reg. No. 34,849
626/795-9900

DRK/eaj

Enclosures: Exhibits A-D

EAJ PAS565063.1-* -05/12/04 2:43 PM



EXHIBIT A

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DRK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,818	02/22/2002	Thomas Dean Gulley	46893/DRK/S1050	9926

23363 7590 04/20/2004

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

EXAMINER

KYLE, MICHAEL J

ART UNIT PAPER NUMBER

3676

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APR 22 2004

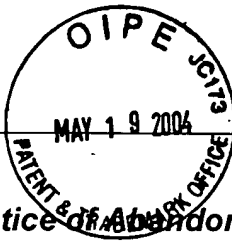
DATE MAILED: 04/20/2004

CASE # 46893 ACTION PRT TO REVIVE
REMINDER _____ DUE DATE 5/10/04
DEADLINE 6/20/04

Christie, Parker & Hale, LLP

Please find below and/or attached an Office communication concerning this application or proceeding.

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MAY 25 2004
GROUP 3600



Notice of Abandonment

Application No.

10/080,818

Examiner

Michael J Kyle

Applicant(s)

GULLEY, THOMAS DEAN

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



EXHIBIT B

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Facsimile
TRANSMITTAL

Date: December 17, 2003

No. of Pages: 20 (including this cover sheet)

Fax No.: (703) 872-9306

PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

Name: Commissioner of Patents

Art Unit: 3676

Examiner: KYLE, MICHAEL J.

Phone: (703) 305-3614

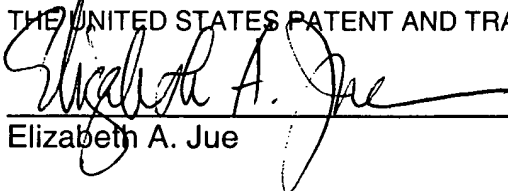
From: Daniel R. Kimbell
Reg No. 34,849

Re: Application No. 10/080,818
Filed February 22, 2002
Entitled THREE-PIECE BARREL HINGE

File: 46893/DRK/S1050

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GROUP 3600

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO
THE UNITED STATES PATENT AND TRADEMARK OFFICE ON **December 17, 2003.**


Elizabeth A. Jue

*Correspondence: Amendment Transmittal; Amendment; Petition to
Extend Time

EAJ PAS541863.1-* -12/17/03 3:26 PM

For Office Services Use Only
Return to Elizabeth A. Jue

Christie, Parker & Hale, LLP
350 West Colorado Boulevard
Post Office Box 7068
Pasadena, CA 91109-7068
626-795-9900
Fax: 626-577-8800

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AMENDMENT TRANSMITTAL LETTER

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 17, 2003.


Elizabeth A. Jue

Applicant : Thomas Dean Gulley
Application No. : 10/080,818
Filed : February 22, 2002
Title : THREE-PIECE BARREL HINGE

Grp./Div. : 3676
Examiner : KYLE, MICHAEL J.

Docket No. : 46893/DRK/S1050

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P.O. Box 1450
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PostOffice Box 7068
Pasadena, CA 91109-7068
December 17, 2003

Commissioner:

Enclosed is an amendment to the above-identified application.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims Fee	17	*20	0	x \$9.00	x \$18.00	
Independent Claims	3	** 3	0	x \$43.00	x \$86.00	
Multiple Dependent Claims ***				\$145.00	\$290.00	
TOTAL FILING FEE						
NO ADDITIONAL FEE REQUIRED ****	IF NO FEE REQUIRED, INSERT "0"					0
LIST INDEPENDENT CLAIMS: 1, 9, 17						
* IF HIGHEST NUMBER PREVIOUSLY PAID FOR IS 20 OR LESS, WRITE "20" IN COLUMN 3 ** IF HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN COLUMN 3 *** PAY THIS FEE ONLY WHEN MULTIPLE DEPENDENT CLAIMS ARE ADDED FOR THE FIRST TIME **** IF NO FEE REQUIRED, ADDRESS ENVELOPE TO "BOX NON-FEE AMENDMENTS"						

Attached is our check for \$ to pay the fees calculated above.

X A Petition for Extension of Time and the authorization to charge the required fee to
Deposit Account No. 03-1729 are enclosed.

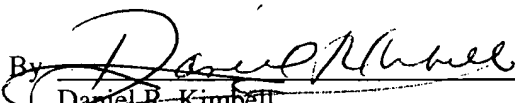
Other enclosures:

Amendment Transmittal Letter
Application No. 10/080,818

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by or to give effect to this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Daniel R. Kimbell
Reg. No. 34,849
626/795-9900

DRK/eaj

EAJ PAS541861.1-* - 12/17/03 3:06 PM



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 17, 2003.


Elizabeth A. Jue

Appl No. : 10/080,818
Applicant : Thomas Dean Gulley
Filed : February 22, 2002
Title : THREE-PIECE BARREL HINGE

Confirmation No. 9926

TC/A.U. : 3676
Examiner : KYLE, MICHAEL J.

Docket No. : 46893/DRK/S1050
Customer No. : 23363

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AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
December 17, 2003

Commissioner:

In response to the Office action of September 16, 2003,
please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Appln No. 10/080,818

Amdt date December 17, 2003

Reply to Office action of September 16, 2003

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A barrel hinge, comprising:

a cylindrical female barrel portion having a sidewall with an aperture formed therein, a length, two ends, and an outside surface, and an axial bore, having an interior wall surface and a diameter, the axial bore extending from end to end;

a first and second male barrel portion, each male barrel portion having a cylindrical main body portion with an outer surface, and a pin extension, the pin extension having a pin length and pin diameter, the pin extensions having ends, the pin diameter being sized to be rotatably received within the axial bore of the female barrel portion, wherein the sum of the pin lengths of the pin extensions of the first and second male barrel portions is less than the length of the axial bore of the female barrel portion, such that when the pin extensions of the first and second male barrel portion are fully inserted into the interior bore of the female barrel portion, a cavity is defined by the space between the ends of the first and second pin extensions and the axial bore, which cavity is in the vicinity of the aperture in the sidewall of the female barrel portion; and

a lubricant fitting affixed within the aperture in the sidewall of the female barrel portion.

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2. (Previously amended) The barrel hinge of claim 1, wherein the two ends of the female barrel portion are beveled where the outside surface meets the two ends, and wherein the main body portions of the male barrel portions are beveled where the pin extensions extend therefrom.

3. (Original) The barrel hinge of claim 1, wherein the aperture in the sidewall of the female barrel portion is threaded and the lubricant fitting is threadably engaged therewith.

4. (Canceled)

5. (Original) The barrel hinge of claim 1, wherein the female barrel portion comprises a section of seamless cylindrical tubing.

6. (Original) The barrel hinge of claim 1, wherein each of the male barrel portions is formed from a section of bar stock with the pin extension portions being formed by machining at one end thereof.

7. (Original) The barrel hinge of claim 1, wherein each of the male barrel portions is formed from a section of tubing stock with the pin extension portions machined at one end thereof.

8. (Original) The barrel hinge of claim 1, wherein the first and second male barrel portions are identical.

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9. (Currently amended) A three-piece barrel hinge, comprising:

a cylindrical female barrel portion having a length, two ends, and an outside surface, an axial bore with a diameter extending from end to end therethrough, and an aperture formed on a sidewall;

a lubricant fitting placed in the aperture; and

a first and second male barrel portion, each male barrel portion having a cylindrical main body portion and a pin extension having a pin length, a pin diameter, and a pin end, the pin diameter being sized to be rotatably received within the axial bore of the female barrel portion, wherein when the pin extensions of the first and second barrel portions are inserted into the axial bore of the female barrel portion, the pin ends are spaced apart to define a cavity therebetween, which cavity is in the vicinity of the lubricant fitting.

10. (Previously amended) The barrel hinge of claim 9, wherein the two ends of the female barrel portion are beveled where the outside surface meets the two ends, and wherein the main body portions of the male barrel portions are beveled where the pin extensions extend therefrom.

11. (Original) The barrel hinge of claim 9, wherein the aperture in the sidewall of the female barrel portion is threaded and the lubricant fitting is threadably engaged therewith.

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12. (Original) The barrel hinge of claim 9, wherein the lubricant fitting is press fitted into the aperture in the sidewall of the female barrel portion.

13. (Canceled)

14. (Original) The barrel hinge of claim 9, wherein the female barrel portion comprises a section of seamless cylindrical tubing.

15. (Original) The barrel hinge of claim 9, wherein each of the male barrel portions is formed from a section of bar stock with the pin extension portions being formed at one end thereof.

16. (Original) The barrel hinge of claim 9, wherein each of the male barrel portions is formed from a section of tubing stock with the pin extension portions machined at one end thereof.

17. (Currently Amended) A three-piece barrel hinge, comprising:
a female barrel portion made from a section of seamless cylindrical tubing having a length, two ends, a tubing wall with
[and] an outside surface, an interior bore with a diameter
extending from end to end therethrough, and an aperture is
formed in the tubing wall;

a lubricant fitting affixed within the aperture in the
tubing wall of the female portion;

a first and second male barrel portion, each male barrel portion ~~[formed from a single section of material and]~~ having a

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cylindrical main body portion and a unitary pin extension having a pin length, a pin diameter, and a pin end, the pin diameter being sized to be received within the interior bore of the female barrel portion, wherein when the pin extensions of the first and second male barrel portions are inserted into the interior bore of the female barrel portion, the pin ends are spaced apart, and wherein the cylindrical main body portion of each male barrel portion and the cylindrical female body portion are adapted to be welded to objects to which the barrel hinge will be attached without additional attachment features.

18. (Canceled)

19. (Currently amended) The three-piece barrel hinge of claim 9, wherein the cylindrical female barrel portion and the cylindrical first and second male barrel portion are [~~completely cylindrical and~~] are adapted for welding to objects to which the barrel hinge will be attached without additional attachment features.

20. (Currently amended) The three-piece barrel hinge of claim 17, wherein the cylindrical female barrel portion and the cylindrical first and second male barrel portion are [~~completely cylindrical and~~] are adapted for welding to objects to which the barrel hinge will be attached without additional attachment features.

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REMARKS/ARGUMENTS

Claims 1-3, 5-12, 14-17, 19 and 20 are pending herein, with claims 1, 9, 17, 19 and 20 being amended, and claims 4, 13, and 18 being canceled.

The Examiner rejects claims 17 and 20 under 35 U.S.C. 102(b) as allegedly being anticipated by Flamme. The Examiner states that "Flamme discloses a cylindrical female barrel portion (2) (sic) and first and second cylindrical male barrel portions (11, 12) formed from a single section of material. The female barrel portion has an outside surface and interior bore, while the male barrel portions have pin extensions (13, 14) and pin ends substantially as claimed. The female portion comprises seamless cylindrical tubing (tubular part of 20). The two male portions are inserted into the interior bore."

Applicant respectfully submits that Flamme does not anticipate claims 17 or 20. Rejection of a claim under 35 U.S.C. 102(b) requires that each and every element must be present in a claim. This is not the case with claims 17 and 20. As amended, claim 17 recites "a first and second male barrel portion, each male barrel portion [~~formed from a single section of material and~~] having a cylindrical main body portion and a unitary pin extension having a pin length". As amended, this claim makes it clear that the male barrel portions are one piece cylindrical structures and have a unitary pin extension. An examination of the Flamme reference makes it clear that the cabinet side pin portions 11 and 12 (if equated to the recited male barrel portions) are not "cylindrical" and do not have a "unitary pin extension", but as noted at col. 4, lines 40-44,

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and wherein "FIG. 2 shows the press fit of the hinge pin 13 in a sleeve-like receptacle 25 and the construction of the lower hinge pin support 27. The upper, cabinet-side hinge portion 12 is constructed and arranged homologously to the lower hinge portion 11." In the Response to Arguments section, the Examiner states that Applicant fails to address the point that claim 17 recites a "female barrel portion made from a section of seamless tubing..." The door-side hinge part 20 (if considered a female barrel portion) is not "a section of seamless tubing" as set forth in claim 17, but has a "rolled in hinge hole 21". (Col. 3, lines 54-57.) Accordingly, this ground of rejection is traversed.

Turning to the rejection of claim 20, the Examiner states that "Flamme discloses the main body portion of each male portion and female portion to be completely cylindrical (each body portion of Flamme contains a complete cylinder), and that the portions are adapted for welding to objects. The Examiner asserts that the flanged portions (15, 16, and 22) can be welded to an object." Applicant respectfully traverses this ground of rejection. While it is true that there are cylindrical portions in the hinge of Flamme, if, for example, the cylindrical portion of the cabinet hinge portions 11 and 12 were welded to an object, then their base portions 15 and 16 would face up and would destroy the proper operation of the hinge. Accordingly, this ground of rejection is believed to be overcome.

The Examiner next rejects claims 1, 4, 5, 9, 12-14 and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Flamme in view of Kent. The Examiner states that "Flamme discloses a

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Amdt date December 17, 2003

Reply to Office action of September 16, 2003

cylindrical female barrel portion (20) and first and second cylindrical male a (sic) barrel portions (11, 12). The female barrel portion has a sidewall (21), outside surface, axial bore, and interior wall surface while the male barrel portions have a main body portion (25), outer surface, pin extensions (13), and pin ends (13) substantially as claimed. The female portion comprises seamless cylindrical tubing (tubular part of 20). The two male portions are inserted into the interior bore. Flamme fails to disclose an aperture within the female portion for a lubricant fitting."

The Examiner states that "Kent teaches a female portion (10) with an aperture for a lubricant fitting (58) for the purpose of providing the interior spaces of the cylindrical portions of the hinge with grease. Grease protects various (sic) assemblies from outside contaminants. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a lubricant fitting into an aperture within Flamme's female member in order for the hinge to retain lubrication, which protects the assembly from outside contaminants. (Col 11, line 57- col. 12, line 13)."

Applicant respectfully submits that the Examiner has failed to set forth a prima facie case of obviousness because the Examiner has not shown some teaching, suggestion, or motivation to combine the references, but rather has focused on showing that the references could be modified, and then combined.

The following cases set for a summary of the state of the law as it applies to obviousness grounds of rejection under 35 U.S.C. 103. In *In re Rouffet*, 47 USPQ2d 1453 (Fed. Cir. 1998),

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the Federal Circuit stated that "[w]hen a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references. See *In re Grieger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir.2d 1987). Although the suggestion to combine references may flow from the nature of the problem, see *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), the suggestion more often comes from the teachings of the pertinent references, see *In re Sernaker*, 702 F.2d 989, 994, 217 USPQ 1, 5 (Fed. Cir. 1983), or from the ordinary knowledge of those skilled in the art that certain references are of special importance in a particular field, see *Pro-Mold*, 75 F.3d at 1573 (citing *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 297 n.24, 227 USPQ 657, 667 n.24 (Fed cir. 1985)). Therefore, "[w]hen determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" See *In re Beattie*, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992) (quoting *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.* 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984))."

The Federal Circuit has stated that "virtually all [inventions] are combinations of old elements." *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865,870 (Fed. Cir. 1983.) Therefore an examiner may often find every element of a claimed invention in the prior art. If

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identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blue-print for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." *Subsonic, Inc. v. Aero sonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996).

Turning back to the combined references, the Flamme reference is directed to a separable hinge, such as for affixation to a switch-cabinet and instrument-cabinet doors. Flamme states that "[I]n order to ensure that the hinge parts can be separated and reassembled rapidly and simply, the invention calls for at least one hinge part (10, 40) to be designed in two elements, via a first and a second element (11, 12; 41, 42) and that the first and second element (11, 12; 41, 42) can be displaced relative to each other in the longitudinal direction to enable the other part (20; 50) to be inserted and withdrawn again." (See Abstract.) This feature is made possible by the sliceable base portions 15 and 16 to which the male portions are connected. As can be seen in FIG. 6, the hinge pins 13 extend just a short distance outside of hinge pin supports 27 and when engaged with the female portion 22, would just enter the cylindrical bore. Such hinges are typically made for light duty applications, and are therefore not subjected to

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weathering or other forces which would require a lubrication fitting to permit the hinge to be replenished with lubricant.

The Kent reference discloses a locking device for locking a closure (such as an emergency door exit of a bus) in an open position, so that occupants can escape in case of an emergency. The Kent reference specifically discloses that the "[l]ocking device 11 also includes grease seals 54, 56 and grease fitting 58 so that locking device 11 can be lubricated and will retain the lubrication... (See FIG. 2)." Col. 11, lines 57-59. The grease fitting is provided so that the ratchets elements in the locking device can freely move and operate in an emergency situation, which is the critical function of the device. This function may infrequently, if ever, be required, and the locking device is likely to be exposed to the elements, so the grease is probably very important to prevent parts from seizing together. In contrast, with the Flamme hinge, the object is to enable the male portions to be inserted and withdrawn again for quick assembly and disassembly, and Applicant respectfully submits that one having ordinary skill in the art of hinges would accordingly have no motivation to include a grease fitting on the Flamme hinge since lubrication would probably make the assembly a messier project. There is nothing in the Flamme reference that would teach or suggest including a lubrication port. Accordingly, Applicant respectfully requests reconsideration of this grounds of rejection.

Turning to the rejection of claims 18 and 19, please note that the limitations of canceled claim 19 are placed in amended claim 18. The Examiner states that the cylindrical male and

Appln No. 10/080,818

Amdt date December 17, 2003

Reply to Office action of September 16, 2003

female portions of the hinge of Flamme can be directly welded to objects. Applicant would respectfully point out that if one attempted to weld the cylindrical parts of the male barrel portion to an object, a chief function of the Flamme hinge (e.g., its ability to quickly assemble and disassemble the hinge) would be lost. Moreover, welding the Flamme hinge as suggested by the Examiner would destroy its function since the base portions 15 and 16 would impinge on the female portion and would interfere with the free operation of the hinge.

The Examiner rejects claims 3 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 5,771,538 to Huppert, Sr. However, since the Flamme and Kent references do not teach the basic teaching, Applicant respectfully submits that their combination with Huppert, Sr. likewise fails to render the invention obvious.

The Examiner rejects claims 2 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 132,147 to Dodge. The Examiner appears to misunderstand the description of bevels on the female barrel portion and the male barrel portions. In Applicant's invention as recited in claims 2 and 10, the bevels are formed such that when the male barrel portions are inserted into the female barrel portion, a v-shaped groove is formed around the ring of contact. With this claimed design, even if the assembled hinged is painted, the paint will not tend to accumulate around this groove, and thus the hinge can operate more smoothly compared to prior designs where the

Appln No. 10/080,818

Amdt date December 17, 2003

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outer edges abut without bevels. Applicant would refer the Examiner to FIG. 2, which shows the prior art, where the barrels do not have beveled edges, and FIG. 5 shows the V-shaped groove formed by the beveled edges of the female barrel next to the male barrels. The Dodge reference does not disclose this arrangement, but instead discloses an arrangement to "exclude rain and dust" from the hinge. Accordingly, Applicant respectfully believes that this ground of rejection is traversed.

The Examiner rejects claims 6, 7, 15 and 16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 470,514 to Simpson. For the same reasons that claim 1 is believed not to be obvious, Applicant believes that claims 6, 7, 15 and 16 should be found allowable.

With respect to the Examiner's rejection of claim 8, which states that the "first and second male barrel portions are identical", referring to the Flamme reference, actually, the male portions are not identical, but are mirror images of each other. Accordingly, this ground of rejection is traversed. More fundamentally, for the same reasons that claim 1 is believed not to be obvious, Applicant believes that claim 8 should be found allowable.

The Examiner rejects claims 1 and 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. patent no. 4,573,239 to Valenti in view of Kent. For the same reasons that claim 1 is believed not to be obvious, Applicant believes that claims 6, 7, 15 and 16 should be found allowable.

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For the above reasons, Applicant respectfully submits that the claims recite patent subject matter, and Applicant request reconsideration and allowance of the claims. If the Examiner has any remaining questions or suggestions to better put the application in condition for allowance, Applicant would welcome a telephone call from the Examiner.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Daniel R. Kimbell
Reg. No. 34,849
626/795-9900

DRK/eaj

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EXHIBIT C

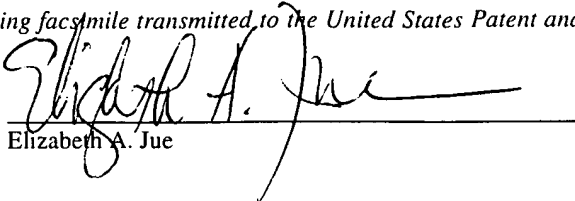
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION FOR EXTENSION OF TIME
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Elizabeth A. Jue

Applicant : Thomas Dean Gulley
Application No. : 10/080,818
Filed : February 22, 2002
Title : THREE-PIECE BARREL HINGE

Grp./Div. : 3676
Examiner : KYLE, MICHAEL J.

Docket No. : 46893/DRK/S1050

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
December 17, 2003

Commissioner:

Applicant petitions the Commissioner to extend the time for response to the Office action dated September 16, 2003 for 1 month(s) from December 16, 2003 to January 16, 2004.

The fee for extension of time required by 37 CFR § 1.17 is calculated below.

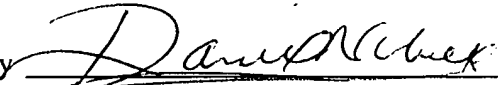
CALCULATION OF FEE			
LENGTH OF EXTENSION	SMALL ENTITY	LARGE ENTITY	FEE
WITHIN FIRST MONTH	\$ 55	\$ 110	\$55
WITHIN SECOND MONTH	\$ 210	\$ 420	\$
WITHIN THIRD MONTH	\$ 475	\$ 950	\$
WITHIN FOURTH MONTH	\$ 740	\$1480	\$
WITHIN FIFTH MONTH	\$1005	\$2010	\$

Petition for Extension of Time
Application No. 10/080,818

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Daniel R. Kimbell
Reg. No. 34,849
626/795-9900

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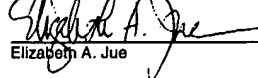
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Filed February 22, 2002
Entitled THREE-PIECE BARREL HINGE
File: 46893/DRK/S1050

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Elizabeth A. Jue

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